

### Official Forms & Petition Preparation

The U. S. Bankruptcy Court Clerk's Office will supply the official forms required for filing bankruptcy upon request or you can download applicable forms and informational packets from the court's website at: [www.wvsb.uscourts.gov/forms.htm](http://www.wvsb.uscourts.gov/forms.htm) If someone other than an attorney assists you with the preparation of the bankruptcy forms, you must disclose the name of the preparer on the petition.

You will be required to present a photo identification when entering the courthouse and must provide a daytime phone number on your petition. A photo identification is required at the Meeting of Creditors, along with verification of your social security number.

**Protecting Your Social Security Number** Individuals filing bankruptcy will place only the last four digits of their Social Security Number on the bankruptcy petition. Individuals are required to submit, with the bankruptcy petition, a separate Statement of Social Security Number(s), Official Form 21, in which their full Social Security Number is given. This Statement of Social Security Number(s) is not part of the public record and will not be available to the public. Official Form 21 is available on the Court's website at: [www.wvsb.uscourts.gov/](http://www.wvsb.uscourts.gov/) by clicking on the **Forms(National)** hyperlink.

### Legal Advice & Resources

The U. S. Bankruptcy Court Clerk's Office is not permitted to prepare your petition, schedules, or other documents for you. Nor is the Clerk's Office permitted to provide you with legal advice. Your local library has law books that may be of assistance to you. The Local Bankruptcy Rules for the Southern District of West Virginia and information on the various chapters in bankruptcy are available in the Clerk's Office. The local rules, instructions and forms are also available on the Court's website at: [www.wvsb.uscourts.gov/](http://www.wvsb.uscourts.gov/).

### Appropriate Courtroom Attire & Conduct

All persons present in a courtroom where a trial, hearing, or other proceeding is in progress must dress and conduct themselves in a manner demonstrating respect for the court. Traditional business attire is considered appropriate. Jeans, shorts, and tshirts are **not** appropriate.

### Retaining Your Records

It is advisable to keep copies of your petition, schedules, Order of Discharge and, if applicable, your Order of Dismissal. You may wish to obtain copies of other pertinent documents. You may obtain copies of documents from the Court for a fee of \$.50 per page.

**PLEASE NOTE: Corporations and Partnerships must be represented by an attorney when filing for bankruptcy.**

### Chapter 7 - "Liquidation"

Chapter 7 is the liquidation or selling off of your non-exempt property for payment to the creditors from the proceeds.

#### **Chapter 7 Filing Requirements**

An original of the following is required when filing a Chapter 7 case:

- ≈ Notice to Individual Consumer Debtor(s)\*
- ≈ Voluntary Petition\*
- ≈ List of Creditors Names and Addresses-Mailing Matrix with the Verification of Mailing Matrix\*
- ≈ Corporate Resolution\* only of corporation
- ≈ Fees - the filing fee in full at the time of filing **or** an Application to Pay Fee in Installments\* (see section on **Filing Fees**) or Application to Proceed in Forma Pauperis (IFP)
- ≈ If individual, a Statement of Social Security Number(s) (not available to the public)
- ≈ Declaration Concerning Debtors' Schedules
- ≈ Schedules A through J
- ≈ Statement of Financial Affairs
- ≈ Notice to Individual Consumer Debtor
- ≈ Statement of Intention (Individual)
- ≈ Credit Counseling Certificate
- ≈ Pay Stubs
- ≈ Statistical Summary
- ≈ Statement of Intention (Individual)
- ≈ Statement of Current Monthly Income and Means Test
- ≈ Calculation Form B22A
- ≈ Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer (if applicable)

\*These are minimum requirements that must be filed to initiate a bankruptcy case.

You will be issued a Deficiency Notice if all of the above are not received at the time of filing. The Notice states that you have five (5) business days from the date the petition is filed to file your Statement of Social Security Number(s) and fifteen (15) days from the date the petition is filed to file your Schedules and Statement of Financial Affairs.

### Chapter 11 - "Reorganization"

Chapter 11 is designed primarily for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision for an individual to file a Chapter 11 petition should be reviewed with an attorney.

### Chapter 12 - "Family Farmer"

Chapter 12 is designed to permit family farmers to repay their debts over a period of time from future earnings and is in many ways similar to a Chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm.

### Chapter 13 - "Wage Earner Plan"

Chapter 13 provides you the opportunity to restructure your debts through a payment plan which normally lasts three years. With court approval, a plan may last up to five years. The Chapter 13 Trustee receives all funds you pay into the plan and pays creditors from these funds.

#### **Chapter 13 Filing Requirements**

An original of the following is required when filing a Chapter 13 case:

- ≈ Notice to Individual Consumer Debtor(s)\*
- ≈ Voluntary Petition\*
- ≈ List of Creditors Names and Addresses-Mailing Matrix with the Verification of Mailing Matrix\*
- ≈ Fees - the filing fee in full at the time of filing **or** an Application to Pay Fee in Installments\* (see section on **Filing Fees**)
- ≈ If individual, a Statement of Social Security Number(s) (not available to the public)
- ≈ Schedules A through J
- ≈ Statement of Financial Affairs
- ≈ Chapter 13 Plan (*use only the form approved by the Court for use in the Southern District of West Virginia; available from the Clerk's Office upon request and on the Court's website at [www.wvsb.uscourts.gov/](http://www.wvsb.uscourts.gov/) (click on **Forms(Local)**)*)
- ≈ Disclosure Statement of Attorney/Bankruptcy Petition Preparer \*These are minimum requirements that must be filed to initiate a bankruptcy case.

You will be issued a Deficiency Notice if all of the above are not received at the time of filing. The Notice states that you have five (5) business days from the date the petition is filed to file your Statement of Social Security Number(s) and fifteen (15) days from the date the petition is filed to file your Schedules, Statement of Financial Affairs and Chapter 13 Plan. Chapter 13 Plan payments must be made to the Chapter 13 Trustee. Chapter 13 Plan payments must be made in accordance with a Wage Withholding Order to be entered by the Court and sent to the debtor(s) employer. In the alternative, you may file a motion to request you be allowed to make direct payments to the Chapter 13 Trustee. Timely payments are required to be mailed to: Helen Morris, Chapter 13 Trustee, P. O. Box 2207, Memphis, TN 38101-2207.

**Failure to comply with the filing requirements or missing deadlines may result in your case being dismissed and loss of bankruptcy protection.**

### § 341 Meeting of Creditors (All Chapters)

A Notice issued by the Court giving the location, date and time of the meeting of creditors (§ 341 Meeting) will be mailed to you after your bankruptcy petition is filed. Please read your notice carefully to determine the location, date and time of your § 341 Meeting. Your creditors will also be notified by the U. S. Bankruptcy Court Clerk's Office of the location, date and time scheduled for your §341 Meeting by mail or by a specified type of electronic transmission. A photo identification is required, along with verification of your social security number.

### Acceptable Forms of Payment

The U. S. Bankruptcy Court accepts cash (in person only), money orders, cashier's and traveler's checks. Personal checks from a Chapter 7 debtor, two-party checks, and post-dated checks will not be accepted.

### Filing Fees

You may pay the filing fee in installments. The number of installments shall not exceed four (4) payments. *An Application and Order to Pay Filing Fee in Installments* must be filed with the Petition, and approved by the Court. This form is available in the Clerk's Office and from the Court's website at [www.wvsb.uscourts.gov/](http://www.wvsb.uscourts.gov/) by clicking on **Forms(National)**.

#### **The filing fees are as follows:**

<b>Chapter 7</b>	<b>\$299.00</b>
<b>Chapter 11</b>	<b>\$1,039.00</b>
<b>Chapter 13</b>	<b>\$274.00</b>

### Credit Rating & Reports

The U. S. Bankruptcy Court Clerk's Office is not responsible for credit reports. Bankruptcy Records are public records and the information contained in them can be retrieved by anyone. Any disputes you have with a credit agency must be resolved by you and that agency. A list of the Credit Reporting Agencies are located on the court's website at: [www.wvsb.uscourts.gov/](http://www.wvsb.uscourts.gov/) by clicking on the **Credit Reporting Agencies** hyperlink. They are:

Experian	Equifax Profile Maintenance
P.O. Box 144717	P. O. Box 9558
Orlando FL 32814	Allen, TX 75013

Trans Union Corporation  
Attention: Public Records Dept.  
555 West Adams St.  
Chicago, IL 60661

### Office Hours and Locations

The Charleston Divisional office is open Monday through Friday (8:30 am to 5:00 pm) and closed on federal holidays.

The Beckley Divisional office is open on Tuesday and Thursday (9:00 am to 4:00 pm) and closed on federal holidays.

#### **U.S. Bankruptcy Clerk's Office**

300 Virginia Street East, Room 3200 Charleston, WV  
25301

### Places of Holding Court:

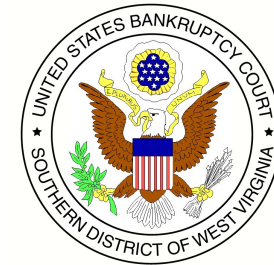
<b>Parkersburg -</b>	<b>Federal Courthouse 5th &amp; Juliana Streets</b>
<b>Bluefield -</b>	<b>Federal Courthouse Elizabeth Kee Federal Building Bankruptcy Courtroom 6th Floor, U.S.Courthouse</b>
<b>Charleston -</b>	<b>First Floor Courtroom 845 5th Avenue U.S. Courthouse</b>
<b>Huntington -</b>	<b>Magistrate Courtroom 110 N. Heber St., U.S. Courthouse</b>

### § 341 Meeting Locations:

<b>Parkersburg -</b>	<b>5<sup>th</sup> Floor Courtroom, Federal Courthouse, 5th &amp; Juliana Streets</b>
<b>Bluefield -</b>	<b>Witness Room, Room 2104, Elizabeth Kee Federal Bldg.</b>
<b>Charleston -</b>	<b>U.S. Trustee's Office, 2nd Floor, U.S. Courthouse</b>
<b>Huntington -</b>	<b>1<sup>st</sup> Floor Conference Room, Sidney L. Christie Building</b>
<b>Beckley -</b>	<b>Jury Assembly Room , Room G07, U.S. Courthouse</b>

## **U.S. Bankruptcy Courts Southern District of West Virginia**

[www.wvsb.uscourts.gov](http://www.wvsb.uscourts.gov)



## **GUIDELINES & REQUIREMENTS TO ASSIST *PRO SE* DEBTORS**

The information contained in this brochure is intended to answer common questions from Pro Se Debtors and is not to be interpreted as legal advice. This information is subject to change without notice. For more detailed information, consult the Guide for Consumer Pro Se Debtors available on the Court's website or in the Clerk's Office.

**THE "BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005" WAS PASSED BY CONGRESS ON APRIL 14, 2005 AND BECAME EFFECTIVE ON OCTOBER 17, 2005. THE CHAPTER 7 & 13 FILING REQUIREMENTS HAVE BEEN REVISED TO REFLECT THE REQUIREMENTS OF THE ACT.**